

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance	• •	Administration	• •	Executive/Legal	• •	Enforcement
(916) 322-5662		322-5660		322-5901		322-6441

June 27, 1985

Gordon W. Duffy  
Paul Priolo Associates  
1228 N Street, Suite 8  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-85-126

Dear Mr. Duffy:

Thank you for your request for advice concerning your obligations under the Political Reform Act of 1974.<sup>1/</sup> You served as Chairman of the Air Resources Board and Secretary of Environmental Affairs from January 1983 to June 1985. Effective June 1, 1985, you became a registered lobbyist. You are married to Jean M. Duffy, member of the California Assembly. You asked generally whether any of the provisions of the Political Reform Act affected this situation. In answer, I will make three general points. If specific questions arise in the future on a reporting requirement or on a matter for interpretation, I will be happy to assist you.

First, the lobbying provisions of the Act (Sections 86100, et seq.), apply generally to you in the same manner as they do to any other lobbyist. The Act requires that lobbyists file reports disclosing expenditures, including gifts, that benefit legislative officials. Lobbyists are prohibited from making or arranging for gifts of more than \$10 per month to a legislative official. However, gifts from an official's spouse are excluded from the definition of "gift" in the Act. Section 82028(b)3). Accordingly, you do not have to disclose, nor are you subject to

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<sup>1/</sup> The Political Reform Act is contained in Government Code Sections 81000-91015. All statutory references are to the Government Code.

Gordon W. Duffy  
June 27, 1985  
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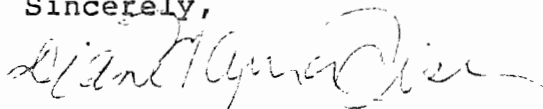
the prohibition in Section 86203, with respect to any gifts, services, etc., related to your marital relationship. You are still prohibited from arranging gifts of \$10 or more from your employer to your spouse.

Second, under the financial disclosure provisions of the Act (Sections 87200, et seq.), your spouse is required to report all sources of income of \$250 or more on her annual statement of economic interests. Income is defined to include the official's community property interest in the income of her spouse. Accordingly, your spouse should report as sources of income any of your clients who pay you \$500 or more during the reporting period. In addition, since these clients will be considered sources of income to her, the disqualification provisions of the Act (Sections 87100, et seq.) may apply in certain circumstances.

Lastly, you asked about the applicability of the so-called "revolving door" provisions (Sections 87400, et seq.) to your situation. These provisions of the Act apply only to former state officers who appear for compensation in certain state quasi-judicial proceedings. Proceedings before the State Legislature are specifically exempted. Section 87400(a). Thus, these provisions will not affect your lobbying activities in any manner.

Please feel free to contact me at (916) 322-5901 if I can be of further assistance.

Sincerely,



Diane Maura Fishburn  
Counsel  
Legal Division

DMF:plh



# State of California

SACRAMENTO

JUL 3 5 45 AM '85

GORDON W. DUFFY  
Secretary of  
Environmental Affairs

May 30, 1985


Barbara Milman, General Counsel  
Fair Political Practices Commission  
1100 K Street  
P. O. Box 807  
Sacramento, California 95804

Dear Ms. Milman:

I am writing to supplement my letter of May 20, 1985 to Fair Political Practices Commission Chairman Dan Stanford. In addition to the advice requested in that letter, I would also appreciate your advising me of what restrictions, if any, the provisions of Government Code Section 87400 et seq. will impose on me as a lobbyist, based on my having served as Chairman of the Air Resources Board and Secretary of Environmental Affairs from January 1983 to June 1985.

Thank you for your assistance.

Very truly yours,

  
Gordon Duffy  
Secretary of  
Environmental Affairs



# State of California

SACRAMENTO

MAY 24 1985

GORDON W. DUFFY  
Secretary of  
Environmental Affairs

May 20, 1985

Dan Stanford, Chairman  
Fair Political Practices Commission  
1100 K Street  
P.O.Box 807  
Sacramento, California 95804

Attention: Barbara Milman

Dear Chairman Stanford:

I am currently employed by the State of California and will be leaving this position to become a lobbyist effective June 1, 1985. I am married to Jean M. Duffy, Member of the California Assembly.

I would appreciate knowing what provisions there are in code or regulations which affect the professional relationship between my wife and me.

Thank you for your advice.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gordon Duffy".

Gordon Duffy  
Secretary of  
Environmental Affairs

GD:pml